

REMARKS

This Amendment is in response to the Office Action of October 15, 2009 in which claims 1-32 were rejected.

Claim Rejections- 35 U.S.C. 103


At section 4 of the Office Action claims 1-3, 8-10 and 22-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Casagnol et al.* (U.S. 2002/0129245) (hereinafter *Casagnol*) in view of *Alve* (U.S. 2004/0101141).

The Office relies on *Alve*, which has a filing date of November 27, 2002 and a publication date of May 27, 2004. The current application claims priority to PCT/IB03/00343, which was filed on February 3, 2003. Both *Alve* and the present application were owned by Nokia Corporation at the time the claimed invention in the present application was made. Therefore, because *Alve* would only be available as a reference under 102(e), it is respectfully submitted that under 103(c), it cannot be used as a reference in the 103(a) rejection. Withdrawal of the rejection of claims 1-3, 8-10 and 22-28 is requested.

Because the 103 rejections of dependent claims 4-7, 11-21 and 29-32 set forth in sections 19 and 31 also rely on *Alve*, it is further respectfully requested that these dependent claim rejections also be withdrawn.

The objections and rejections of the non-final Office Action of October 15, 2009 having been shown to be inapplicable, withdrawal thereof is requested and passage of claims 1-32 to issue is solicited.

Respectfully submitted,


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